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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/515,748 02/29/00 PACOCHA

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EXAMINER

HM22/0117

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LEARY, J

ART UNIT

PAPER NUMBER

1623  
DATE MAILED:

8  
01/17/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
09/515,748

Applicant(s)  
Paccocha, B. G.

Examiner  
Louise Leary

Group Art Unit  
1623



☐ Responsive to communication(s) filed on \_\_\_\_\_

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-5 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-5 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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1. Claims 1-5 are pending in this application.

2. OBJECTION TO SPECIFICATION:

(A) The specification is objected to because the claims have not been presented on a separate page.

(B) The abstract of the disclosure is objected to because the "Abstract of the Disclosure" has not been presented on a separate page. Correction is required. See MPEP § 608.01(b).

3. Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-5 are indefinite because the claims are written in the past-tense. It is suggested the claims be rewritten in the present tense to comply with US patent practice and to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Claim 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: "means of a mass balance". It is suggested that claim limitations describing "means of a mass balance" be added to independent claim 1 to particularly point out and distinctly claim the subject matter which applicant regards as the invention.


4. Skrgatic et al (US 4,959,228) disclose a method of determining the specific gravity of a fermentable liquor during fermentation and has been cited to further show the state of this art.

The Berdelle-Hilge (US 3,769,175), Bartkiewicz (US 5,900,547), Brown, C. J. L. (US 4,557,186), and Mead et al (US 6,150,133) references have been cited to further show the state of this art.

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5. For 24 hour access to patent application information 7 days per week, or for filing applications electronically, please visit our website at [www.uspto.gov](http://www.uspto.gov) and click on the button "Patent Electronic Business Center" for more information.

6. Any inquiry concerning this communication should be directed to Louise Leary at telephone number (703) 308-3533.



LOUISE N. LEARY  
PRIMARY EXAMINER

January 16, 2001